pose or to embarrass the corporation. *People ex rel. Lehman* v. *Consol. Fire Alarm Co.* (1911), 127 N. Y. Supp. 348.

The stockholders in a corporation have a common law right, incident to the ownership of stock, to inspect the books and papers of the corporation when the inspection is sought at proper times and for proper purposes. 4 THOMPSON CORP., Ed. 2, § 4515. Under the common law, the motive of the stockholder is a material consideration, and inspection of the corporate books can be compelled only where the stockholder acts uberrima fide. 10 CYC. 955, and cases there cited. Where the right to inspect is conferred in absolute terms by statute, however, the rule as to motive is quite different. It is held by the great weight of American authority that where the right to inspect books and records is statutory, the motive of the stockholder in making the demand for inspection is immaterial, so long as it is not unlawful. 4 THOMPSON CORP., Ed. 2, § 4516; 10 CYC. 956 and cases there cited. The principal case is one in which the general business books of the corporation were sought to be inspected, and as the right to inspect books of this character is of common law origin, the petition was properly denied. For illustrations of the rule regarding the statutory right to inspect corporate books and records, see *People* v. *Keesville, etc., R. Co.* 106 App. Div. 349, 94 N. Y. Supp. 555; *In re Steinway,* 159 N. Y. 250, 53 N. E. 1103, 45 L. R. A. 461. For discussion of the effect of a corporate by-law, see 8 MICH. L. REV. 224.

EASEMENTS—GRANTS FOR PIPE LINES—RIGHTS ACQUIRED—TELEPHONE LINE.—A city purchased from private land-owners the right to construct and maintain a pipe line for the distance of forty miles, in order to supply the inhabitants of the city with water. The city built an overhead telephone line, claiming that it was necessary for the proper repair, maintenance, and operation of the pipe line. Suit by the city to enjoin the landowner from interfering with the telephone line. *Held,* the uses and purposes for which the way is granted included doing any work which may be necessary for maintaining, repairing, and operating the pipe line, which includes the maintenance of a telephone line, if the same is necessary or convenient for the proper or prompt repair, maintenance or operation of the line. *City of Portland* v. *Metzger* (1911), — Ore. —, 114 Pac. 106.

The only cases cited by the court in support of the above proposition are three telegraph cases, holding that a line of telegraph on a railroad right of way is not an addiional burden upon the easement, if the line is constructed for the use of the railroad company in the operation of its road and dispatch of its business. *Western Union Tel. Co.* v. *Rich,* 19 Kan. 517, 27 Am. Rep. 159; *Am. Tel. Co.* v. *Pearce* [*Smith*], 71 Md. 535, 18 Atl. 910, 7 L. R. A. 200; *Hodges* v. *Tel. Co.,* 133 N. C. 225, 45 S. E. 572; LEWIS EM. DOM. 141. The difference between the cases of the telegraph companies and the principal case is so great as to render the former of little value in support of the latter. A railroad company has the exclusive use of its right of way; the grantor is prohibited from using it for any purposes whatever. It is fenced in; and in a line of telegraph poles constructed along the right of way could in no way interfere with any rights remaining in the grantor. The

present case is radically different. Defendant gave the city permission to lay its pipe line across his land. After the pipe was once laid, the land would to all intents and purposes be the same as before; there would be no sign above the surface to show that the pipe line was underneath. Defendant must have contracted with this in mind. The construction by the city of a line of telephone over the land is an entirely different matter from that contemplated and contracted for by defendant, and could be well set up as a burden upon the easement granted. The telegraph cases are in no wise authority for the proposition for which they are cited. Nor does the court offer any additional authority, other than LEWIS, EMINENT DOMAIN, supra, which maintains the same proposition as the cases cited. If a right of way may be granted for a particular and continuing purpose, the purpose is to be regarded in construing the grant, in order to ascertain the nature and extent of the easement, and the grantee is entitled to vary his mode of enjoying the easement, and from time to time avail himself of modern inventions, if, by so doing he can more fully exercise and enjoy the object or carry out the purpose for which the easement was granted. GODDARD ON EASEMENTS, 351. But in the present case, at the time the pipe line was constructed, the city knew of the probable need of telephonic communication, and should have so stipulated in the contract with the landowner. But the grant of the right of way having been given by deed, and made specific, without the mention of a telephone line, the extent of the right must be determined by the words of the deed, though surrounding circumstances may be taken into consideration to determine the construction thereof. *Miller* v. *Washburn,* 117 Mass. 371; GODDARD, EASEMENTS, 314. The mode in which an easement may be exercised is, in case of an easement created by express grant, determined by the construction of the grant. It is a question of construction whether the easement is limited by the use made of the dominant tenement at the time of the grant, or whether the burden of the easement may be increased. TIFFANY, REAL PROP., § 321; *French* v. *Marstin,* 24 N. H. 440, 57 Am. Dec. 294; *Rowell* v. *Doggett,* 143 Mass. 483; *Herman* v. *Roberts,* 119 N. Y. 37, 16 Am. St. Rep. 801. JONES, EASEMENTS, § 355, says: "One granting an easement may limit the grant, and the grantee takes it subject to the restrictions imposed, and cannot enlarge or abuse the privilege." The same writer, § 376, says: "A right of way may be used for any purpose consistent with the purpose for which it was created. If the purposes of the way are not declared, the question as to what use of it is reasonable and proper, is for the jury." In the principal case, the purposes of the grant were expressly declared. Building the telephone line was entirely outside of the scope of the easement, and transcended the purposes of the same, exposing the city to a claim for damages. The court furnishes neither authority nor reason for holding the telephone line to be no additional burden on the easement.

EVIDENCE—CHARACTER OF DISBARMENT PROCEEDINGS—USE OF DEPOSITION.—Action was taken to disbar the respondent from practicing law in the state of New York on the ground that he had collected a claim sent him by a French advocate and had failed to account for the proceeds. In the course